REMARKS

In response to the Office Action mailed June 26, 2008, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-15 rejected under 35 U.S.C. § 103(a) as being unpatentable over Tulley *et al.* (U.S. Patent No. 7,179,168 B1). Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims 1, 6 and 11 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the cited art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

Applicants respectfully submit that Tulley does not render the claimed invention obvious because it does not disclose all the claimed limitations. The Examiner admits that "Tulley does not specifically disclose the player terminal is configured to determine a base game play result and a bonus game result from a single play result." While Tulley does not disclose this particular claim element, the Examiner concludes that this element is obvious in view of Tulley. The Examiner bases her conclusion of obvious on the fact that "Tulley teaches that a player may choose to play base games and secondary games in order to obtain the total winning amount generated by the central server." Based upon this teaching, the Examiner then concludes that "it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the event outcome allocation technique of Tulley to a slot machine having a base game and a bonus game as to do so would have yielded predictable results." The Examiner goes on to state that "the technique for improving a particular class of devices…was part of the ordinary capabilities of a person of ordinary skill in the art as both inventions results in the player having earned $8.00 as their total event outcome."

Applicants respectfully submit that the Examiner has not provided any articulated reasoning to support the conclusion of obviousness. *See, KSR International Co. v. Teleflex Inc.*,

82 USPQ2d 1385, 1396 (2007). The Examiner states that predictable results would have allowed a person of ordinary skill in the art to apply Tulley to a slot machine having a base game and a bonus game. However, Applicants respectfully submit that Tulley does not mention, let alone disclose, that the event outcome allocation technique of Tulley is applicable to a gaming machine capable of presenting both a base game and a bonus game. Applicants respectfully submit that Tulley would not suggest the application of its event allocation technique to a gaming machine presenting a base game and bonus game because the mathematics and statistical analysis involved with a "base game plus bonus game" is very different than a plurality of separate base games, as disclosed in Tulley. Considerable experimentation and programming would be required to manipulate the teachings of Tulley in order to function with a gaming machine presenting both a base game and a bonus game. Accordingly, Applicants respectfully submit that the application of the teaching of Tulley would not yield predictable results.

Additionally, in reviewing the Examiner's Response to Arguments, Applicants note that the Examiner and Applicants differ as to the definition of the claim term "bonus game." The Examiner takes a more expansive definition of the term "bonus game." The Examiner states that "any game that is in addition to the original game selection may be considered a 'bonus' game in that it is an extra feature for player entertainment purposes." While the Examiner is allowed to take the broadest reasonable interpretation of a term, Applicants respectfully submit that the Examiner's interpretation is overly expansive. According to MPEP 2111, "the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." Applicants respectfully submit that a person of ordinary skill in the art would define a bonus game as a game that does not require a player to place another wager in order to play the bonus game. For example, the bonus game may be triggered in response to an outcome of a primary game or other triggers such as, but not limited to, a time of day or player accrual of a particular number of player loyalty points.

Furthermore, Applicants' definition of a bonus game is further supported by the Nicastro reference. Specifically, Nicastro discloses that "the basic game can be any video game offering a winning combination that earns a bonus game entry combination." Nevertheless, in order to prevent any misinterpretation of the definition of a bonus game, Applicants' claims have been

amended to recite that a bonus game does not require an additional wager for play of the bonus game.

Moreover, Applicants respectfully submit that the Tulley reference does not teach a bonus game that does not require a wager for bonus game play. The treasure maze game of Tulley is not a bonus game because each play of the treasure maze game requires a wager of $0.75. See, Col. 10, lines 47-49. As such, Tulley does not teach, suggest, or motivate one of ordinary skill in the art to provide a bonus game that does not require a wager. Thus, Applicants respectfully submit that Tulley does not disclose a bonus game, as recited in the pending claims.

In conclusion, Applicants respectfully submit that Tulley does not render the claimed invention obvious and respectfully request that the 35 U.S.C. § 103(a) rejection to claims 1-15 be withdrawn.

CONCLUSION

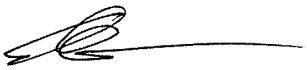
Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of claims 1-15 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: August 1, 2008



Andrew B. Chen
Reg. No. 48,508
STEPTOE & JOHNSON LLP
2121 Avenue of the Stars
Suite 2800
Los Angeles, CA 90067
Tel 310.734.3200
Fax 310.734.3300